

# ARMBRUST & BROWN, PLLC

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May 26, 2011

## VIA HAND DELIVERY

Mr. Greg Guernsey, Director  
City of Austin  
Planning and Development Review Department  
505 Barton Springs Road, 5th Floor  
Austin, Texas 78701

Re: Tarlton 360 Townhomes, SPC-2010-0071C.MGA (the "Application"), Addendum to the Notice of Appeal Letter

Dear Mr. Guernsey:

This firm represents and this letter is submitted on behalf of CRVI Loop 360, LP (the "Applicant"), in the above-referenced matter. This letter is intended as an addendum to the Notice of Appeal Letter dated May 18<sup>th</sup>, 2011 which we previously filed with the City ("Initial Appeal") appealing a decision of the City's Zoning and Platting Commission ("Commission"). Subsequent to the Initial Appeal, the South Beecave Woods Neighborhood Association ("SBWNA") filed a request with the Commission to seek a review of the voting decision pertaining to the Application. The SBWNA claims that at its meeting on May 17<sup>th</sup>, 2011, the Commission wrongfully approved the Application and asks that the Commission rescind its approval and deny the Application. The Applicant disagrees with the position of the SBWNA and believes the Commission acted appropriately in approving the Application. However, in the event it is determined that the Commission's action approving the Application was wrongful, or is rescinded or reversed which results in a denial of the Application, the Applicant hereby appeals the denial of the Application as recommended by City staff. This letter is submitted as an addendum to the Site Plan Appeal form prescribed by the City of Austin's Planning and Development Review Department, and the Initial Appeal, copies of which are attached.

The following information is provided in compliance with Article 7, Division 1, of Chapter 25-1 of the Code, for a Notice of Appeal.

1. The name, address, and telephone number of the appellant is:

CRVI Loop 360, LP., c/o Steve Clark, 301 Congress Avenue, Suite  
500, Austin, Texas 78701, ph. (512) 494-8510.

2. The name, address, and telephone number of the agent for the appellant is:

Armbrust & Brown, PLLC, c/o David B. Armbrust., 100 Congress Avenue, Suite 1300, Austin, Texas 78701, ph. (512) 435-2301.

3. The decision being appealed is described as follows:

The Commission's decision on May 17<sup>th</sup>, 2011. The Applicant requested site plan approval as recommended by City staff.

4. The date of the decision was May 17<sup>th</sup>, 2011.

5. The Applicant is the property owner and therefore an interested party.

6. The reasons the Applicant believes the decision does not comply with the requirements of this title and the basis for this appeal are as follows:

On May 17<sup>th</sup>, 2011 the Commission at the same meeting, by an affirmative vote, acted to rescind and reconsider and then approve a previous action to deny the Application. The Commission acted in accordance with applicable law and local rules and regulations when it approved the Application. This appeal is made based upon and contingent upon a pending challenge to the validity of the Commission's actions as evidenced by the request of SBWNA.

Upon receipt of this letter and pursuant to Section 25-1-188 on behalf of the Applicant, we hereby request a public hearing to be scheduled before the City Council at the first available hearing that notification can be given.

This letter is intended to supplement and became a part of the Site Plan Appeal Form and Initial Appeal previously filed with the City by the Applicant. Thank you for your attention to this matter and please do not hesitate to contact me if you need further information regarding this appeal.

Very truly yours,



David B. Armbrust

Enclosure

cc: Sue Welch  
Brent Lloyd  
Steve Clark  
John Burnham  
Amanda Morrow  
Lynne Harrison-David



City of Austin Development Review and Inspection Department  
301 West Second Street / P.O. Box 1088 / Austin, Texas 78767-8835

## SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of the Development Review and Inspection Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Planning Commission, or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 499-2680.

CASE NO. SPC-2010-0071C.MtA DATE APPEAL FILED: 5-19-11  
PROJECT NAME: Tarleton 360 YOUR NAME David Armstrong  
Townhomes SIGNATURE: [Signature]  
PROJECT ADDRESS 2500-2530 YOUR ADDRESS 100 Congress Ave  
Welsh Tarleton Suite 1300, Austin, Texas 78701  
APPLICANT'S NAME: CPVI Loop 360 LP YOUR PHONE NO: (512) 435-2301 WORK  
CITY CONTACT: Sue Welch ( ) HOME

**INTERESTED PARTY STATUS:** Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- ☒ I am the record property owner of the subject property  
☐ I am the applicant or agent representing the applicant  
☐ I communicated my interest by speaking at the Planning Commission public hearing on (date) \_\_\_\_\_.  
☐ I communicated my interest in writing to the Director or Planning Commission prior to the decision (attach copy of dated correspondence.)

**In addition to the above criteria,** I qualify as an interested party by one of the following criteria: (Check one)

- ☐ I occupy as my primary residence a dwelling located within 500 feet of the subject site.  
☒ I am the record owner of property within 500 feet of the subject site.  
☐ I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

**DECISION TO BE APPEALED\*:** (Check one)

- ☐ Administrative Disapproval/Interpretation  
☐ Replacement Site Plan  
☒ Planning Commission Action  
☐ Waiver or Extension  
☐ Planned Unit Development (PUD) Revision  
☐ Other: \_\_\_\_\_

Date of Decision: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_  
Date of Decision: 5-19-2011  
Date of Decision: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_

\*Planning Commission actions on environmental variances to a site plan may be appealed only by Applicant/Owner; i.e., interested party may not appeal these decisions.

**STATEMENT:** Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

Please see the attached letter.

2011 MAY 19 PM 02:06:12

(Attach additional page if necessary.)

Applicable Code Section: 25-5-149

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May 18, 2011

## **VIA HAND DELIVERY**

Mr. Greg Guernsey, Director  
City of Austin  
Planning and Development Review Department  
505 Barton Springs Road, 5th Floor  
Austin, Texas 78701

Re: Tarlton 360 Townhomes, SPC-02010-0071C.MGA (the "Application"), Notice of Appeal

Dear Mr. Guernsey:

This firm represents and this letter is submitted on behalf of CRVI Loop 360, LP (the "Applicant"), in the above-referenced matter. Pursuant to Section 25-5-149 of the City of Austin Land Development Code (the "Code"), the Applicant hereby appeals the Land Use Commission's decision of the site plan application as recommended by City staff. The Applicant specifically objects to the recommendation to City Council that a Managed Growth Agreement only be approved for a total of five years from the date of site plan approval. This letter is being submitted as an attachment to the Site Plan Appeal form prescribed by the City of Austin's Planning and Development Review Department.

The following information is provided in compliance with Article 7, Division 1, of Chapter 25-1 of the Code, for a Notice of Appeal.

1. The name, address, and telephone number of the appellant is:

CRVI Loop 360, LP., c/o Steve Clark, 301 Congress Avenue, Suite 500, Austin, Texas 78701, ph. (512) 494-8610.

2. The name, address, and telephone number of the agent for the appellant is:

Armbrust & Brown, PLLC, c/o David B. Armbrust., 100 Congress Avenue, Suite 1300, Austin, Texas 78701, ph. (512) 435-2301.

3. The decision being appealed is described as follows:

The Land Use Commission approved the site plan application as recommended by City staff with a recommendation to City Council that a Managed Growth Agreement only be approved for a total of five years from the date of site plan approval. The Applicant had previously indicated to City staff that it intends to seek a Managed Growth Agreement with a duration of ten years. The Applicant requested site plan approval as recommended by City staff.

4. The date of the decision was May 17, 2011.

5. The Applicant is the property owner and therefore an interested party.

6. The reasons the appellant believes the decision does not comply with the requirements of this title and the basis for this appeal are as follows:

- a. The Land Use Commission is not authorized under the Code to act on a request to extend project duration under a Managed Growth Agreement.

Upon receipt of this letter and pursuant to Section 25-1-188 we hereby request a public hearing to be scheduled with the City Council at the first available hearing that notification can be given.

Thank you for your attention to this matter and please do not hesitate to contact me if you need further information regarding this appeal.

Very truly yours,



David B. Armbrust

Enclosure

cc: Sue Welch  
Brent Lloyd  
Steve Clark  
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